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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY JAMES LUCKETT,
DAMIEN ZACKARY LEWIS, and
CHRISTOPHER MICHAEL CROSS,

Defendants.

No. CR 15-00266 HSG

STIPULATION REGARDING REQUEST FOR:
(1) CONTINUANCE OF HEARING DATE
AND (2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

Current Hearing Date: December 7, 2015
Proposed Hearing Date: January 11, 2016

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Northern District of California and Assistant United States Attorney Garth Hire, defendant Jeremy James Lockett (LUCKETT), by and through his counsel of record, Rabin Nabizadeh and Ryan McHugh, defendant Damien Zackary Lewis (LEWIS), by and through his counsel of record, Edwin M. Prather, and defendant Christopher Michael Cross (CROSS), by and through his counsel of record, Irvin Leroy Simons, hereby stipulate as follows:

1 1. On May 14, 2015, a federal grand jury returned an indictment against defendants
2 LUCKETT, LEWIS, and CROSS (collectively, defendants). Defendants were charged with: (1)
3 conspiracy to distribute, and to possess with intent to distribute, methamphetamine and cocaine in
4 violation of 21 U.S.C. §§ 846, 841(b)(1)(A)(viii) and (b)(1)(B)(ii); (2) possession with intent to
5 distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii); and (3) possession
6 with intent to distribute cocaine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(ii).

7 2. All defendants have been made their initial appearances and have been arraigned on the
8 charges. Defendant LUCKETT is detained pending trial. Defendants LEWIS and CROSS are
9 presently on pre-trial release. A status conference is currently scheduled in this matter at 2 p.m. on
10 Monday, December 7, 2015, following a court order continuing the matter to that date from November
11 30, 2015.

12 3. The government has produced, and is continuing to produce, discovery in this case. In
13 fact, the government has produced approximately 1,100 pages of discovery including criminal history
14 and arrest reports, law enforcement reports, financial records, photographs, and travel and flight-
15 related business records. The government is preparing to produce additional documentation relating to
16 travel and flight-related business records.

17 4. Counsel for defendants represent that they require additional time to review and
18 analyze the discovery already produced and soon to be produced, meet with their clients, and discuss
19 the case with their clients. Counsel for defendants also represent that they will need additional time to
20 conduct and complete an independent investigation of the case, conduct and complete additional legal
21 research including for potential pre-trial motions, review the potential evidence in the case, and
22 prepare for trial in the event that a pretrial resolution does not occur. Counsel for defendants also
23 represent that failure to grant the continuance would deny them reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence. Counsel for defendants agree that the
25 requested exclusion of time is not based on congestion of the Court's calendar, lack of diligent
26 preparation on the part of the attorney for the government or the defense, or failure on the part of the
27 attorney for the government to obtain available witnesses. Thus, the time period of November 30,
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2015, through January 11, 2016, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv).

5. Counsel for defendants represent that they have fully informed their clients of their Speedy Trial rights and that, to their knowledge, their clients understand those rights and agree to waive them. Defendants' counsel further believes that their clients' decision to give up the right to be brought to trial earlier than if time were not excluded from the Speedy Trial Act is an informed and voluntary one.

6. Nothing in this stipulation shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods be excluded from the period within which trial must commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence.

IT IS SO STIPULATED.

Dated: December 3, 2015

BRIAN J. STRETCH
Acting United States Attorney

/S/ Garth Hire
GARTH HIRE
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

/S/ per e-mail authorization
RABIN NABIZADEH/RYAN MCHUGH
Attorneys for Defendant
James Jeremy Lockett

12/1/2015
Date

/S/ per e-mail authorization
EDWIN M. PRATHER
Attorney for Defendant
Damien Zackary Lewis

12/1/2015
Date

/S/ per e-mail authorization
IRVIN LEROY SIMONS
Attorney for Defendant
Christopher Michael Cross

12/1/2015
Date

~~PROPOSED~~ ORDER

The Court has read and considered the Stipulation Regarding Request for Continuance of Hearing Date and Findings of Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

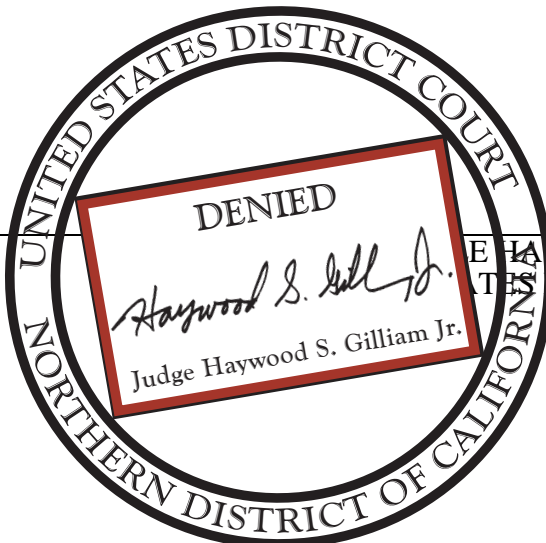
The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendants in a speedy trial; (ii) failure to grant the continuance would be likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice; and (iii) failure to grant the continuance would unreasonably deny defendants and the government continuity of counsel and would deny defense and government counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

THEREFORE, FOR GOOD CAUSE SHOWN:

The time period of November 30, 2015, to January 11, 2016, inclusive, is excluded in computing the time within which the trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence.

IT IS SO ORDERED.

DATE



HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE